

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 13, 2022

Christopher M. Wolpert
Clerk of Court

In re: TATYANA EVGENIEVNA
DREVALEVA,

Petitioner.

No. 21-2150
(D.C. No. 1:21-CV-00761-WJ-JFR)
(D. N.M.)

ORDER

Before **HOLMES, MORITZ, and EID**, Circuit Judges.

This matter comes before the court on Petitioner’s “Verified Ap[p]lication for an Extraordinary Writ” asking this court to vacate or overrule our prior decisions in unrelated cases and to order the district court to vacate rulings it entered in her underlying employment discrimination lawsuit (“Petition”).

We deny Petitioner’s request that we vacate or overrule our prior decisions in unrelated cases.

We construe the portion of the Petition regarding district court orders entered in the underlying litigation as a petition for writ of mandamus. “[A] writ of mandamus is a drastic remedy, and is to be invoked only in extraordinary circumstances.” *In re Cooper Tire & Rubber Co.*, 568 F.3d 1180, 1186 (10th Cir. 2009) (internal quotation marks omitted). “Three conditions must be met before a writ of mandamus may issue. First, . . . the party seeking issuance of the writ must have no other adequate means to attain the relief [s]he desires. Second, the petitioner must demonstrate that h[er] right to the writ is

clear and indisputable. Finally, the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances.” *Id.* at 1187 (citations and internal quotation marks omitted). Petitioner has not made the required showing, and a writ is not appropriate under the circumstances presented here.

We deny the Petition, and because Petitioner has presented no reasoned, nonfrivolous argument on the law and facts in support of the Petition, we also deny her motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. *See DeBardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991).

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

January 13, 2022

Tatyana Evgenievna Drevaleva
251 Magellan Avenue
San Francisco, CA 94116

RE: 21-2150, In re: Drevaleva
Dist/Ag docket: 1:21-CV-00761-WJ-JFR

Dear Ms. Drevaleva:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', with a long horizontal flourish extending to the right.

Christopher M. Wolpert
Clerk of Court

cc: Christine H. Lyman

CMW/na